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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY PRODUCTS
LIABILITY LITIGATION

THIS DOCUMENT RELATES TO:

*People of the State of California, et al. v. Meta
Platforms, Inc., et al.*

MDL No. 3047

Case Nos.: 4:22-md-03047-YGR-PHK

4:23-cv-05448-YGR

**META’S ADMINISTRATIVE MOTION
FOR LEAVE TO FILE MOTION FOR
DISCOVERY SANCTIONS BEFORE
MAGISTRATE JUDGE KANG AND TO
SET BRIEFING SCHEDULE**

Judge: Hon. Yvonne Gonzalez Rogers
Magistrate Judge: Hon. Peter H. Kang

Pursuant to Civil Local Rule 7-11, Meta requests leave to file a motion for sanctions for States' repeated violations of this Court's discovery orders regarding state agency discovery (the "**Discovery Sanctions Motion**"). So that the issue can be fully briefed prior to the January 16, 2025 Discovery Management Conference ("DMC"), Meta requests that it be permitted to file its Discovery Sanctions Motion by no later than next Monday, December 23, 2024, with the States' opposition due January 3, 2025, and Meta's reply due January 10, 2025. Meta requests 15 pages for the motion, 15 pages for the States' joint opposition, and 10 pages for Meta's reply.¹

Nearly every State agency this Court held was subject to party discovery in this case (ECF 1117) has violated at least one of the Court's several orders relating to state agency discovery, and some egregiously so. As the latest example, this Court ordered all outstanding hit reports from State agencies be provided to Meta by this past Monday, December 16, 2024. *See* 12/11/24 DMC Tr. at 120:19–20 ("You're ordered to provide the hit reports by Monday"), 145:24–25 ("No later than Monday"). Yet 15 of the States at issue failed to meet that deadline for at least one agency in the State, and seven of them failed to meet the deadline for five or more agencies. This is not to mention the many agencies that still have not agreed to search terms or custodians, or provided transparency into proposed alternative means of collecting documents responsive to Meta's discovery requests.²

The case is now past the November 5 substantial completion deadline (which Meta met), and discovery will close in just a few months. While Meta has consistently made robust and good-faith efforts to resolve these disputes without needing to seek Court intervention—let alone sanctions—it has become

¹ There were originally 35 States with lawsuits pending in this MDL, but since October 16, 2024, four States have voluntarily dismissed their lawsuits (Georgia, North Dakota, Florida, and Montana). Of the remaining 31 States, three are not subject to the discovery requests at issue because they have asserted only COPPA claims; and certain States have sufficiently complied with the Court's Orders or reached agreements with Meta on search terms and custodians that Meta does not expect them to be included in the Discovery Sanctions Motion – leaving, at this point, up to approximately 20–25 States with agencies that may be subject to this briefing, depending on the outcome of the Parties' further conferrals this week.

² The Parties have agreed to submit on Friday, December 20, 2024, joint letter briefing on specific outstanding disputes between Meta and the state agencies identified in footnotes 2, 3, and 4 of the Parties' December 9, 2024 joint letter brief (ECF 1430), to the extent any remain unresolved. Meta submits that those disputes can continue to be negotiated simultaneously with briefing on Meta's Discovery Sanctions Motion, which turns ultimately on the States' repeated violations of the Court's discovery orders.

clear that State agencies will not comply with the Court’s orders without the threat of sanctions, and/or that sanctions are needed to remedy the prejudice to Meta from their refusal to comply. As both this Court and the District Court have recognized, “time is of the essence,” ECF 1292, 1299—particularly given the fact that, consistent with DMO 12, Meta has noticed Rule 30(b)(6) depositions of the 31 remaining States for nearly every business day between January 21 and March 6, 2025. *See* ECF 1380 (setting December 13, 2024 deadline to notice 30(b)(6) depositions; setting January 13 and February 21, 2025 deadlines to file joint letter briefs regarding scheduling of 30(b)(6) and fact depositions, respectively). As a result, consistent with the Court’s prior guidance that Meta may seek sanctions against noncompliant agencies,³ Meta respectfully requests leave to file its Discovery Sanctions Motion, and an order setting the above briefing schedule, with the Motion set for hearing at the January 16, 2025 DMC.⁴

Meta asked the States on December 17, 2024 if they consented to or opposed this administrative motion and Meta’s proposed briefing schedule on its Discovery Sanctions Motion, and conferred with co-lead counsel for the States by telephone on December 18, 2024. During that call, Meta also invited the States to propose an alternative proposed briefing schedule for the Motion. The States stated that they oppose Meta’s administrative motion and cannot agree at this time to a briefing schedule for Meta’s motion for sanctions.

³ See 12/12/24 DMC Tr. at 113:2–4 (“I understand [Meta’s] concern and at some point, you know, you come to the Court with whatever relief you think you need at whatever point”); *id.* at 115:23–25 (“certainly procedurally [Meta] [is] free to do whatever they want and [the States are] free to obviously brief the issues in opposition”); *see also id.* at 114:1–3 (“there are certain things I can do in terms of discovery sanctions that don’t go to trial scheduling and overall case management”); *id.* at 114:5–12 (“you can be as creative as you want, I suppose, to try to figure out what kind of relief you can ask from me I’m sure there must be a myriad of examples of discovery sanctions in the case law that you can look to”); *id.* at 114:19–22 (“I’m sure [Meta] would certainly put [a request for a finding as to the fact that there have been serial violations of Court ordered deadline] in any briefing for relief to me on a discovery issue where you’re asking for relief”).

⁴ In first seeking discovery sanctions within the discretion of the Magistrate Judge to issue, rather than first seeking sanctions only within the discretion of the District Court to issue, Meta again seeks to take a measured, incremental approach to addressing the States’ non-compliance with the Court’s state agency discovery orders. Meta reserves its right to seek appropriate relief from Judge Gonzalez Rogers (as the District Court indicated it would entertain, *see, e.g.*, 11/22/24 CMC Tr. at 32:14–19) following submission or resolution of its Discovery Sanctions Motion before Magistrate Judge Kang. *See* CMO 19 (ECF 1383) (memorializing that Judge Gonzalez Rogers “directed Meta to submit a brief as to what relief it was seeking” from the District Court).

1 A proposed order granting this motion is attached to this filing.

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3 DATED: December 18, 2024

Respectfully submitted,

4 **COVINGTON & BURLING LLP**

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